

REMARKS

This Amendment and Response is responsive to the Office Action mailed November 30, 2004. In that action: claims 28-30, 32-37, and 39-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Beck et al. (USPN 6,332,154) in view of Busey, et al. (USPN 6,665,395) and in further view of Khouri, et al. (USPN 6,678,718).

Each of the claims is rejected as obvious in light of the combination of Beck and various other patents. A Declaration Under 37 C.F.R. 1.131 is provided with this Amendment and Response. As can be seen therein, the present invention was first conceived prior to the filing date of the Beck reference as evidenced by the Invention Disclosure form (see Tab 1 of the 131 Declaration). Further, the due diligence from prior to said filing date to the filing of the present application is evidenced by the U.S. West Communications' Law Department making a determination to file a patent application on this disclosure and sending it to Kenneth J. Johnson at Holme Roberts & Owen LLP to have an application prepared with an December 16, 1998 cover letter, by the cover letter from Mr. Johnson to the inventor dated July 30, 1999 enclosing an initial draft of a patent application on this invention, and the subsequent feedback from the inventor received by Mr. Johnson, followed by the filing of the patent application on August 31, 1999.

All of this evidence, taken together, demonstrates prior conception and due diligence as required by 37 C.F.R. 1.131. Accordingly, it is hereby requested that the Beck reference be removed as a reference against the claims of the present invention. Accordingly, this overcomes the §103 rejections that are largely based on the Beck reference.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Robert G. Crouch

Registration No. 34,806

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(720) 562-5506

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